

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHEILA HARPER,)	
<i>as administrator of the</i> ESTATE of)	
ROBERT EDWARD HENRY HARPER,)	Civil Action No. 23-1433
)	
Plaintiff,)	Judge Cathy Bissoon
)	Magistrate Judge Maureen P. Kelly
v.)	
)	
ALLEGHENY COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On July 10, 2024, the Magistrate Judge issued a Report (Doc. 26) recommending that the Motion to Dismiss (Doc. 12) be granted in part and denied in part. Service of the Report and Recommendation (“R&R”) was made on the parties, and no objections have been filed.

After a *de novo* review of the pleadings and documents in the case, together with the R&R, it hereby is ORDERED that the Motion to Dismiss (**Doc. 12**) is **GRANTED IN PART** and **DISMISSED IN PART**, as summarized in the Conclusion section of the R&R. *See* Doc. 26 at 17.

By **October 2, 2024**, Plaintiff may file a second amended complaint, attempting to cure the deficiencies, identified in the R&R. *See generally* Doc. 26. The Court will not grant further opportunity for amendment, so Plaintiff must make last, best efforts to plead legally supportable

claims against the relevant parties. If an amended complaint is not timely filed, dismissal of Plaintiff's claims summarily will be converted to with-prejudice.

Lastly, the R&R (Doc. 26) is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

September 11, 2024

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record